

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

WILLIAM H. POWELL,

Plaintiff,

v.

BRIAN OWENS, et. al.,

Defendants.

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CIVIL NO. 5:14-CV-0087-MTT-MSH

**ORDER**

Plaintiff William H. Powell, a state prisoner currently confined at Ware State Prison in Jackson, Georgia, has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff also seeks leave to proceed without prepayment of the \$350.00 filing fee or security therefor pursuant to 28 U.S.C. § 1915(a).

Plaintiff's Motion to proceed *in forma pauperis* (ECF No. 3) is **GRANTED**. However, Plaintiff's submissions indicate that he should be able to now pre-pay a portion of the filing fee. Plaintiff's prison trust account certification shows that he has had an average monthly balance of \$7.75 for the last six months. Therefore, pursuant to 28 U.S.C. § 1915(b)(1)(B), it is **ORDERED** that Plaintiff now pay a partial initial filing fee of \$1.51. Plaintiff will also be required to pay the remaining \$348.49 of the filing fee under the payment plan set forth 28 U.S.C. § 1915(b)(1). The Court's filing fee is not refundable, regardless of the outcome of this case. Plaintiff is thus responsible for paying the entire filing fee even if his lawsuit is dismissed prior to service.

Plaintiff shall have **TWENTY-ONE DAYS (21) DAYS** from the date shown on this Order to pay the \$1.51 initial partial filing fee. Failure to comply with this Order may result in the dismissal of Plaintiff's Complaint.

Plaintiff's pending Motion for Appointment of Counsel (ECF No. 2) is **DENIED** as premature. Plaintiff's need for counsel cannot be properly evaluated until responsive pleadings have been filed. However, if it later becomes apparent that counsel should be appointed in this case, after due consideration of the complexity of the issues raised or their novelty, *Poole v. Lambert*, 819 F.2d 1025 (11th Cir. 1987), the Court will entertain a renewed motion. Until then, Plaintiff's request for court-appointed counsel is **DENIED**.

There shall be no service of process in this case until further order. Once Plaintiff has paid the filing fee, the undersigned will conduct a preliminary review of his Complaint as required by 28 U.S.C. § 1915A.

SO ORDERED, this 17th day of March, 2014.

/s/ Stephen Hyles  
UNITED STATES MAGISTRATE JUDGE